

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JASON KEITH-DAVID MANNERS,

Petitioner,

v.

ROBERT VASHAW,

Respondent.

Case No. 1:20-cv-12108

Honorable Thomas L. Ludington
United States District Judge

**OPINION AND ORDER DENYING PETITIONER'S MOTION FOR ORDER
REQUIRING RESPONSIVE PLEADING AND GRANTING PETITIONER'S MOTION
FOR ORDER DIRECTING EXPANDED FILING OF RULE 5 MATERIALS**

This matter is before this Court upon Petitioner Jason Keith-David's Motion Requesting Issuance of Order Requiring Responsive Pleading, ECF No. 7, and his Motion for Order Directing Respondent to Expand Filing of Rule 5 Materials, ECF No. 13.

On August 5, 2020, Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254, challenging his convictions for two counts of first-degree criminal sexual conduct, one count of unlawful imprisonment, one count of domestic violence, and one count of assault with intent to do great bodily harm less than murder. ECF No. 1.

On October 27, 2020, Petitioner filed a Motion, asking this Court to order Respondent to file a response to the habeas petition. ECF No. 7. The Motion will be denied as moot because, when it was filed, this Court had already Ordered Respondent to respond. *See* ECF No. 4.

On May 10, 2021, Petitioner filed a Motion, asking this Court to order Respondent to file the January 6, 2017 transcript from his trial. ECF No. 13. Petitioner argues that the record from the state court is incomplete and that the January 6 transcript is necessary for a fair review of his Petition. ECF No. 13 at PageID.1910–11. Indeed, Respondent filed all but the January 6 transcript

from Petitioner's trial. *Compare* ECF No. 11-1 at PageID.452, *with* ECF No. 11 at PageID.447. That transcript will aid adequate review of Petitioner's habeas Petition. *See Rose v. Lundy*, 455 U.S. 509, 519 (1982). Therefore, Petitioner's Motion will be granted, and Respondent will be ordered to either file the missing transcript or show cause why the transcript is unavailable.

Accordingly, IT IS **ORDERED** that Petitioner's Motion Requesting Issuance of Order Requiring Responsive Pleading, ECF No. 7, is **DENIED AS MOOT**.

Further, IT IS **ORDERED** that Petitioner's Motion for Order Directing Respondent to Expand Filing of Rule 5 Materials, ECF No. 13, is **GRANTED**.

Further, IT IS **ORDERED** that Respondent must either file the January 6, 2017 trial transcript **on or before September 23, 2021** or show cause why the transcript is unavailable.

IT IS SO **ORDERED**.

Dated: September 14, 2021

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge